



ARTICLE 19



When censorship becomes a crime

Freedom of expression violations in systems
of gender persecution and apartheid

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✉ info@article19.org

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Executive summary

Discrimination and violence on the grounds of sex and gender shape the lives of women, girls, and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons in nearly every corner of the globe. In places such as Afghanistan, Iran, Yemen, and Saudi Arabia, oppression against women and girls is particularly severe and systematic, even if to varying degrees. Central to that oppression are violations of freedom of expression: to silence women and girls, to remove them from public life, and to control their compliance with gender ideologies imposed by those in power. Women journalists play a crucial role in documenting and exposing such oppression. Since their work is often perceived as a direct challenge to prescribed gender roles, women journalists become frequent targets of repression aimed at preserving existing structures of domination. They may be forced to operate in secrecy or to leave the profession entirely, further limiting women's visibility and participation in public discourse.

International criminal law could provide avenues for accountability, yet the relationship between gender-based crimes in international criminal law and freedom of expression violations has so far received insufficient attention. In particularly grave circumstances, and where jurisdictional requirements are met, violating the right to freedom of expression of women and girls may give rise to criminal accountability for the crime against humanity of persecution under the Rome Statute of the International Criminal Court¹ (Rome Statute; ICC) or domestic frameworks that have incorporated the Rome Statute's provisions. In addition, censorship and surveillance often function as a mechanism to facilitate and enforce the intentional and severe deprivation of other fundamental rights that constitute persecution.

Violations of freedom of expression may appear removed from the forms of violence that international criminal prosecutors and judges typically confront. However, in cases of persecution, they are often central to the architecture of discrimination. While international criminal law and international human rights law differ in their object and purpose, ARTICLE 19 believes that human rights law, including relating to freedom of expression, can guide international criminal justice authorities towards a fuller understanding of the systemic environment in which the crime of gender persecution is committed, and the multifaceted harms and abuses that characterise it. At the same time, for actors working to defend freedom of expression – including the rights of women journalists in the most oppressive contexts – international criminal law may offer tools to complement existing human rights-based accountability efforts.

The draft Crimes Against Humanity Treaty (draft CAH Treaty),² which states are currently negotiating, replicates the Rome Statute's definition of gender persecution, thereby offering significant potential to expand avenues for accountability. In particular, a future treaty could increase the likelihood of universal jurisdiction³ cases for gender persecution and enable litigation concerning state responsibility for such crimes, including before the International Court of Justice.

The negotiations on the draft CAH Treaty also present an important opportunity to expand the recognition of gender-based international crimes. ARTICLE 19 joins the movement calling for the codification of a specific crime of gender apartheid. While situations amounting to gender apartheid may often be prosecutable as gender persecution, the two concepts are distinct and complementary. Persecution alone does not fully capture the scope and structure of gender apartheid, which centres on an institutionalised regime of systematic oppression and domination.

We believe that the codification of gender apartheid would also strengthen accountability for the systematic freedom of expression violations that characterise such regimes. It is in these contexts that the very core of what it means for women and girls to express themselves, to develop a sense of identity, and to live in dignity becomes part of an everyday struggle. That struggle demands immediate support, increased attention, and all available tools to ensure that those who seek to suppress and silence women and girls are held to account.

Introduction

Gender persecution in contexts of violence has been widespread and persistent for a long time. Yet international practice on this crime remains at a relatively early stage, perhaps in part because it involves complex and multifaceted harms arising from a ‘continuum of historical and longstanding structural discrimination and fundamental rights deprivations’.⁴ ARTICLE 19 believes that a critical but underexplored piece of the puzzle is the extent to which freedom of expression violations against women and girls often sit at the heart of systems of gender persecution. This includes attacks on women journalists who challenge gender norms, investigate violations of women’s rights, and seek to break the cycles of persecution and oppression.

The objective of this brief is two-fold. First, it seeks to deepen understanding of how gender persecution is often accompanied by and enforced through the systematic silencing of women’s and girls’ voices, restrictions on their visibility, or extreme levels of surveillance to compel compliance with imposed gender roles. Freedom of expression violations can sometimes be overt, but they may also be embedded in more subtle legal and policy measures that appear far removed from the violence typically associated with international crimes.

By highlighting these dynamics, we encourage international criminal prosecutors and judges to consider the role these violations play as they adopt a truly holistic approach to investigating gender persecution. We further hope that this brief will encourage organisations working on freedom of expression in contexts of oppression and systematic discrimination to draw on international criminal law within broader accountability strategies.⁵ While human rights law imposes obligations on states, the crime of persecution allows for the prosecution of individuals – both state agents and non-state actors (for example, members of armed groups) – for severe deprivations of fundamental rights, provided that all elements of the crime and jurisdictional requirements are met.⁶

Second, this brief advances freedom of expression-based arguments for the codification of gender apartheid in the draft Crimes Against Humanity Treaty (draft CAH Treaty),⁷ currently under negotiation. In joining a broad coalition of international organisations advocating for its inclusion, the brief examines how such codification could strengthen accountability for the freedom of expression violations that underpin systematic and institutionalised regimes of gender domination, while also giving greater visibility and prominence to the women and girls on the frontlines of the struggle for gender justice.

This brief focuses on gender persecution against women and girls, in line with ARTICLE 19's longstanding focus on identifying the unique and gendered freedom of expression risks faced by women and girls globally. In doing so, we promote an intersectional feminist approach to freedom of expression. At the same time, we wish to emphasise that people of all genders can be targeted on the basis of the roles and identities imposed on them.⁸

We draw primarily on examples from Afghanistan and Iran as the factual contexts to illustrate our analysis. We do so while recognising that these situations differ and cannot necessarily be equated. Nor does our focus on these two situations suggest that similarly severe forms of gender-based discrimination or persecution do not occur elsewhere.

In addition, references to gender persecution or gender apartheid in specific contexts are not intended to determine the likelihood of individuals being successfully prosecuted for crimes against humanity. Rather, our analysis reflects on the freedom of expression aspects of patterns of systematic discriminatory practices that may, if all requirements are met, amount to crimes against humanity. Finally, our analysis is without prejudice to the jurisdictional and other obstacles that may arise in pursuing accountability in different fora, including the International Criminal Court (ICC).

Crimes against humanity: an overview

Crimes against humanity refer to a set of crimes, including murder, torture, enslavement, or enforced disappearance, committed as part of a widespread or systematic attack directed against a civilian population. Such crimes may be carried out pursuant to state policies, but they can also be perpetrated by non-state actors. Unlike war crimes, crimes against humanity can be committed in both wartime and peacetime.

Crimes against humanity have long been recognised in customary international law and are codified in the Rome Statute of the International Criminal Court⁹ (Rome Statute). However, the Rome Statute defines international crimes primarily for the purpose of establishing the jurisdiction of the ICC. Unlike genocide and war crimes, crimes against humanity have not yet been codified in a dedicated treaty. Nevertheless, the prohibition of crimes against humanity is widely recognised as a peremptory norm of international law (*jus cogens*), from which no derogation is permitted, and which binds all states.¹⁰ Many states have established crimes against humanity offences in their domestic law; others have yet to do so.¹¹

The draft CAH Treaty that states are currently negotiating could present a major advancement in accountability for such crimes. The draft text largely mirrors the substantive definitions contained in the Rome Statute. Under the Rome Statute, crimes against humanity must be committed within a specific contextual framework (the *chapeau* element), requiring that the acts form part of a widespread or systematic attack against a civilian population.¹²

Crimes against humanity were not conceived as a general mechanism of accountability for human rights violations.¹³ Nevertheless, serious violations of fundamental rights, including violations of freedom of expression, may in certain circumstances rise to the level of crimes against humanity if the specific contextual and material elements are met. Freedom of expression violations may also contribute to the broader context in which such crimes are perpetrated.

In our analysis of the intersection between the right to freedom of expression and gender persecution, we will focus on the definitions contained in the Rome Statute, while recognising that these definitions may not fully reflect customary international criminal law.¹⁴ The Rome Statute nevertheless provides the most recent and detailed enumeration of acts that may constitute

crimes against humanity. Many jurisdictions have incorporated the crimes under the Rome Statute – including that of gender-based persecution – into their domestic legislation. The Rome Statute definition is also replicated in the draft CAH Treaty.

The following sections analyse the role that violations of freedom of expression may play in the commission of the crime against humanity of gender persecution. The final section outlines ARTICLE 19's position on calls to include a distinct crime of gender apartheid in a future CAH Treaty.

Understanding the role of freedom of expression violations in gender persecution

Violations of freedom of expression targeting women and girls could potentially give rise to criminal accountability for the crime against humanity of persecution under the Rome Statute, if all jurisdictional requirements are met.¹⁵ In particularly grave circumstances, such freedom of expression violations may themselves amount to the crime of persecution. In other cases, censorship of women and girls may operate as mechanisms that facilitate, enforce, or entrench broader systems of gender-based oppression, including gender persecution or (as we will discuss in the next section) gender apartheid. Even where not independently prosecutable, it is important to understand the significance that freedom of expression violations can have within a broader social and institutional architecture that enables gender persecution.

The following analysis focuses on these issues. It does not seek to provide a comprehensive examination of all elements of the crime of gender persecution. Rather, it highlights those elements that are particularly relevant to understanding its intersection with freedom of expression violations.

International human rights law as an interpretative guide

Persecution is defined in the Rome Statute as the ‘intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity’.¹⁶ Article 7(1)(h) of the Rome Statute criminalises persecution:

*against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender [...], or other grounds that are universally recognized as impermissible under international law in connection with [any other crime against humanity] ... or any crime within the jurisdiction of the Court.*¹⁷

It has to be committed ‘as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack’.¹⁸

The ICC Office of the Prosecutor's *Policy on the Crime of Gender Persecution*, reflecting case law of the Pre-Trial Chamber of the ICC,¹⁹ makes clear that the human rights articulated in the International Covenant on Civil and Political Rights (ICCPR) are capable of grounding a charge of persecution.²⁰ More specifically, they may include the right to freedom of expression, as well as the closely related rights to privacy, freedom of association and assembly, and the right to education.²¹ Acts of persecution do not need to be physical – discriminatory orders, policies, decisions, or other regulations can form underlying acts of persecution.²²

Indeed, international human rights law provides an essential interpretative reference for the crime of persecution.²³ Those investigating and prosecuting this crime should have due regard to the substantial body of jurisprudence developed by human rights mechanisms, which can inform how human rights violations may constitute or facilitate gender persecution, including in the digital age. While a careful distinction needs to be maintained between human rights violations and conduct that rises to the level of a crime against humanity, international human rights law is relevant in determining whether the deprivation of a right was contrary to international law and whether the deprivation reaches the required threshold of severity.

Beyond these discrete legal elements, which will be explored in the next section, human rights analysis also helps understand the broader social and political context in which gender persecution occurs. As one scholar observed:

To fully appreciate the gravity of this crime, the ICC must consider the complex web of harm, abuse, and violence that traps its victims, and acknowledge that the effects of this crime are unveiled over years and decades, indeed shaping entire lives and subsequent generations. This crime [of gender persecution] is not just a deprivation of a single fundamental human right, but a wholesale effort to re-engineer society and to deny women and girls their human dignity and agency in all aspects of their lives.²⁴

ARTICLE 19 concurs with this analysis. We believe that a human rights lens helps to situate individual crimes within broader systems of power and marginalisation that enable impunity and make remedies difficult to obtain, and to explain how entrenched discrimination against women and girls can create the conditions in which crimes against humanity are committed.

Analysing the elements of gender persecution through a freedom of expression lens

The first step when analysing the elements of gender persecution through a freedom of expression lens is to assert that, for a deprivation to be considered 'contrary to international law', no justification can exist under international law for the restriction in question.²⁵ Measures interfering with the right to freedom of expression must fail to meet the requirements of legality, legitimacy, and necessity and proportionality (the three-part test), as provided under Article 19(3) of the ICCPR, to be considered contrary to international law.²⁶

To qualify as a crime of persecution, the underlying human rights violations must further reach 'the same level of gravity or severity as the other crimes against humanity'.²⁷ The severity of the deprivation can be established with reference to a number of different acts: it is necessary to examine the relevant acts 'in their context and with consideration of their cumulative effect' in order to 'ascertain whether taken alone or in conjunction with other acts, [the relevant acts] resulted in the "gross or blatant denial" of fundamental rights'.²⁸ It follows that 'in assessing whether a series of violations amount to a severe deprivation of fundamental rights, the number of rights implicated and the nature of the deprivation are also relevant considerations'.²⁹

ARTICLE 19 submits that certain violations of freedom of expression may, on their own, constitute a gross and blatant denial of fundamental rights sufficient to meet the severity threshold required for persecution. In Afghanistan, the exclusion and oppression of women and girls lie at the very heart of the rule and ideology of the Taliban as the de facto authorities.³⁰ The resolve of the Taliban of Afghanistan to eliminate the presence and perspective of women from all aspects of public life crystallised in its most vivid form in decrees that banned women's voices – not just figuratively, but literally. In August 2024, so-called 'vice and virtue' laws prohibited women from showing their faces outside their homes. Their voices were also deemed to be potential instruments of vice, so they were no longer allowed to be heard in public under the new restrictions. They were further banned from singing or reading aloud, even inside their houses.³¹ Measures of this nature could meet the legal criteria for prosecution where they amount to a severe deprivation of the fundamental right to freedom of expression.

However, in most cases, whether in Afghanistan or elsewhere, violations of freedom of expression in situations that may give rise to crimes against humanity typically form part of a broader system of repression and discrimination. Rather than a single restriction, such contexts often involve

a web of measures designed to silence women and girls and suppress those criticising gender persecution, reinforced by coercion and violence. Within these systems, restrictions on expression play a key role in enforcing discriminatory norms and sustaining broader patterns of persecution targeting those who challenge or resist gender-based oppression.

Measures imposed against women in Afghanistan have included edicts restricting girls' education beyond grade six; limiting the access of women and girls to parks and prohibiting them from boarding domestic or international flights without a *mahram* (a male guardian); requiring women to observe 'proper *hijab*', preferably by wearing a *chadari* (a non-fitted black garment with face covering), or by not leaving the home without a reason (described as 'the first and best form of observing *hijab*'); requiring women television presenters to cover their faces; prohibiting women from using gyms; suspending women's right to attend university and to work for national and international non-governmental organisations; banning Afghan women from working for the UN;³² prohibiting women from participating in radio and television programmes alongside male presenters; closing female beauty salons; and banning foreign non-governmental organisations from providing educational programmes.³³

Iran provides another example of the systematic oppression of women and girls. While the situation differs from Afghanistan, including in terms of the severity of the oppression, Iran nevertheless illustrates a longstanding, institutionalised system of gender-based domination and discrimination. Measures by Iranian authorities have included enforcing physical gender segregation³⁴ while also restricting women's access to areas of public, social, and political participation since the inception of the Islamic Republic of Iran in 1979, although the extent and scope of gender segregation has fluctuated over time. Furthermore, authorities have at times introduced caps and quotas and restricted women from studying certain fields.³⁵ Women are also banned from holding certain legal and political positions.³⁶ In addition, the mandatory *hijab* is a 'key tool in the hands of the Iranian government to control and subjugate women and girls in Iran'.³⁷

These examples illustrate what the ICC's Office of the Prosecutor has recognised in its *Policy on Gender Persecution* – that the suppression of expression, particularly gender expression, often lies at the heart of gender persecution:

*At their core, gender-based crimes are used by perpetrators to regulate or punish those who are perceived to transgress gender criteria that define 'accepted' forms of gender expression manifest in, for example, roles, behaviours, activities, or attributes.*³⁸

It is in the context of what has been described as the specific nature of the crime of persecution ‘as a crime of cumulative effect’³⁹ that it becomes essential to understand the role of freedom of expression and the impact of its denial. Just as freedom of expression is a right forming an ‘indispensable condition for the full development of the person’⁴⁰ and an enabling right which ‘form[s] a basis for the full enjoyment of a wide range of other human rights’,⁴¹ its violation can facilitate the systematic denial of those other rights. Measures restricting expression, such as rules dictating how women must dress, are often one element of a broader pattern of restrictions that collectively limit women’s autonomy, participation, and independence.

Freedom of expression violations can be central to facilitating, enforcing, and maintaining a system of gender persecution

Violations of the right to freedom of expression are frequently used to sustain systems of persecution. They may operate through pervasive surveillance, censorship, or the targeting of individuals who challenge or resist discriminatory rules. Depending on the circumstances, such measures may themselves constitute acts of persecution, or they may facilitate the broader commission of persecutory policies.

The ICC Office of the Prosecutor has recognised this dynamic in its *Policy on Cyber-Enabled Crimes under the Rome Statute*, noting that campaigns of persecution ‘may be facilitated or even partly constituted by the use of various intrusive surveillance techniques’.⁴²

The Independent International Fact-Finding Mission on the Islamic Republic of Iran has documented the ‘far-reaching use of technology by the Government of Iran to restrict freedom of expression’. Its report details how authorities have deployed advanced surveillance systems to monitor women’s compliance with mandatory *hijab* laws. In April 2024, the government resorted to aerial drones in Tehran and southern Iran to monitor *hijab* compliance in public spaces. Around the same time, facial-recognition software was reportedly installed at the Amirkabir University in Tehran to identify students who defied dress codes.⁴³ Although not linked to gender persecution, the Liechtenstein Council of Advisers’ 2021 report also emphasised how China’s use of cyber technology in its treatment of the Uyghur Muslim population may be considered persecution, including through the use of ‘AI, facial recognition, and other software [...] to monitor movement of the population and scan online communications for religious speech’.⁴⁴

Gender persecution may also involve freedom of expression violations targeting those perceived as allies of the primary target or as critics of the system of persecution. For example, the Extraordinary Chambers in the Courts of Cambodia has affirmed that ‘acts against [...] sympathizers and affiliates also have an impact on the primary targets of the persecution, adding to their overall oppression and isolation’ and thus ‘remain acts or omissions committed against the targeted group or groups as a whole’.⁴⁵ More specifically, in an arrest warrant request in the context of its investigation into the Afghanistan situation, the ICC Office of the Prosecutor described how men or boys could be targeted as part of the Taliban’s gender persecution:

for their perceived support of the rights of women and girls – such as by protesting, advocating for women’s rights or facilitating girls’ education – or for failing to sufficiently enforce the Taliban’s discriminatory prohibitions and rules on female relatives for whom they acted as a mahram [a male guardian].⁴⁶

Freedom of expression violations might also aim to conceal evidence of gender persecution that is being or has been committed. For example, Iranian authorities resorted to extreme violence during the protests that were sparked by the death of Mahsa Jina Amini, a young Kurdish–Iranian woman who died in the custody of the ‘morality police’ for allegedly not wearing the *hijab* properly.⁴⁷ They imposed several internet shutdowns – widely seen as an effort to curb the protest movement and limit documentation of human rights violations and potential crimes.⁴⁸ Indeed, during violent protest crackdowns, such shutdowns are particularly likely to facilitate and conceal other crimes against humanity, such as murder, torture, and enforced disappearance.⁴⁹

Finally, gender persecution often operates on multiple levels: women may be targeted not only for speaking out and challenging the system, but also for doing so *as women*. This is evident, for example, in targeting women journalists. Women journalists are often specifically targeted within systems of gender persecution, including through legislative bans on their ability to work, the criminalisation of their reporting, measures that limit their public visibility, and direct attacks, in order to suppress their crucial role in documenting human rights violations and amplifying women’s voices and perspectives.⁵⁰ Furthermore, ‘attackers often exploit religious and cultural dimensions to accuse female journalists of violating customs, traditions and societal values by focusing on their clothing and appearance rather than their journalistic work’.⁵¹

In conclusion, violations of freedom of expression are not incidental; they are a cornerstone of gender persecution. Legal prohibitions, social constraints, and surveillance work together to enforce compliance with imposed gender roles and create a permissive environment for gross human rights violations against women. In such contexts, violence – including the crimes against humanity of murder, torture, and arbitrary imprisonment of those who resist or fail to conform – can serve as an enforcement mechanism within a system designed to silence women and girls and render them invisible.

Under these conditions, the very core of what it means for women and girls to express themselves, to develop a sense of identity, and to live in dignity can become part of an everyday struggle. The UN Special Rapporteur on Afghanistan has powerfully illustrated the lived reality of this dynamic:

So pervasive is the Taliban's institutionalized gender oppression, and so slender are the spaces in which women and girls may live freely, that in Afghanistan today almost any act can be characterized as an act of resistance. To go for a walk in a park, to dine outdoors with a friend, to don bright colours: all may be perceived as challenges to the Taliban's suffocating regime.⁵²

The draft Crimes Against Humanity Treaty

The draft CAH Treaty currently under negotiation could open additional avenues for accountability for crimes against humanity, including gender persecution. Although crimes against humanity are recognised as among the core international crimes, they have never been codified in a dedicated international treaty requiring states to prevent, punish, and cooperate on these acts. In the absence of such a treaty, many countries lack specific domestic legislation enabling them to prosecute individuals for crimes against humanity.⁵³ States that ratify a future treaty would be obligated to try or extradite suspects before their national courts.⁵⁴ A future treaty could also increase the likelihood of universal jurisdiction⁵⁵ cases, including for gender persecution.

Finally, failure to comply with treaty obligations could give rise to proceedings before the International Court of Justice. The draft under negotiation contains a dispute settlement mechanism⁵⁶ similar to the Convention on the Prevention and Punishment of the Crime of Genocide⁵⁷ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁵⁸

Following the convening of the first Preparatory Committee in 2026, negotiations are expected to continue over the coming years, with the aim of concluding the process by early 2029.⁵⁹ The starting point for the negotiations has been the International Law Commission Draft Articles,⁶⁰ which the International Law Commission transmitted to the UN General Assembly in 2019.

These draft articles largely mirror the definitions of the crimes contained in the Rome Statute. This includes the definition of persecution.⁶¹ Subject to any changes that may emerge during the negotiation process, our analysis from a freedom of expression perspective therefore remains applicable to provisions in a future CAH Treaty.

Growing calls to codify gender apartheid

Although the Rome Statute is generally regarded as the baseline for the draft CAH Treaty's text, states and advocates have proposed expanding the list of substantive crimes to reflect developments since the Rome Statute was adopted in 1998. These include proposals to codify environmental crimes,⁶² forced marriage,⁶³ and reproductive violence.⁶⁴ Perhaps the most prominent proposal, and the focus of this analysis, is the inclusion of the crime of gender apartheid.

Gender apartheid is not currently recognised under international law as a crime. International instruments define apartheid only with references to institutionalised oppression and domination on the grounds of race. Apartheid has been recognised as a crime against humanity in several international treaties, including the Apartheid Convention⁶⁵ and the Rome Statute. Gender apartheid builds upon this framework by addressing systemic oppression based on gender.

Calls for the recognition of institutionalised regimes of systematic oppression and domination on the grounds of gender date back to the 1990s. Afghan human rights activists and feminists articulated the concept in response to the systemic oppression experienced by women and girls under the Taliban's initial rule in the 1990s.⁶⁶ Since the Taliban's return to power in 2021, an increasing number of women's rights defenders, lawyers, scholars, and international officials have called for the recognition of the concept of gender apartheid as a crime under international law. In January 2023, in his remarks before the UN Security Council, the UN Secretary-General stated: 'In Afghanistan, unprecedented, systemic attacks on women's and girls' rights and the flouting of international obligations are creating gender-based apartheid.'⁶⁷ In a joint report presented to the UN Human Rights Council in June 2023, the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls highlighted calls for the recognition of gender apartheid as a crime and stated that the proposed definition was an accurate description of the situation in Afghanistan, where 'systematic discrimination against women and girls is at the heart of Taliban ideology and rule.'⁶⁸

The case of Afghanistan has particularly demonstrated how a given situation could rapidly spiral down a path in which an entire system of governance is built upon and organised around ideological, institutional, and logistical foundations that consider and treat women and girls as less than human and systematically exclude and erase them from social, political, and public life.

Yet, it is not the only context in which human rights experts have described the situation of women and girls as one of gender apartheid. The term has also been used in the context of Saudi Arabia,⁶⁹ Iran,⁷⁰ and Yemen.⁷¹

The proposed definition

The crime of gender apartheid is proposed to replicate the crime of apartheid based on race, so it is instructive to briefly reflect on the latter's definition. Article 7(2)(h) of the Rome Statute and Article 2(2)(h) of the draft CAH Treaty define the crime of apartheid as:

Inhumane acts of a character similar to those referred to in paragraph 1 [i.e. acts that constitute a crime against humanity], committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.

The Ljubljana–The Hague Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes Against Humanity, War Crimes and other International Crimes of 2023⁷² contains an identical definition.⁷³ In essence, it requires three elements to be fulfilled: an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups; an intent to maintain a system of domination by one racial group over another; and the commission of one or more inhumane acts carried out as part of a systematic or widespread attack against a civilian population.

The notion of 'gender apartheid' refocuses these criteria to address discriminatory practices that are rooted in gender, rather than in race.⁷⁴ The UN Special Rapporteur on the situation of human rights in Afghanistan and the UN Working Group on discrimination against women and girls supported the following definition:

*Inhumane acts committed in the context of an institutionalised regime of systematic oppression and domination by one gender group over any other gender group or groups and committed with the intention of maintaining that regime.*⁷⁵

In the context of the draft CAH Treaty negotiations, civil society activists and legal scholars have pointed out that the inclusion of gender apartheid in a future convention does not require the creation of a completely new and separate crime. Instead, they called for the amendment of the definition of the crime against humanity of apartheid in draft Article 2(2)(h), in order to codify the crime of gender apartheid:

*'The crime of apartheid' means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups, or **by one gender group over another gender group or groups**, and committed with the intention of maintaining that regime.⁷⁶*

The main arguments for and against codification

The proposal to codify gender apartheid as a distinct crime against humanity in a future CAH Treaty has prompted differing assessments. Scholars and human rights advocates, among others, argue that recognising gender apartheid as an international crime would help address accountability gaps, clarify states' obligations, and carry important symbolic value by naming and condemning systems of institutionalised gender domination.⁷⁷

First, proponents argue that existing human rights law and general non-discrimination principles are insufficient to address gender apartheid. In such contexts, discrimination is embedded within the structure of the state itself, which actively enforces systematic inequality through law and policy. When the state becomes the primary agent of discrimination, the traditional human rights framework, premised on the state as the guarantor of rights, struggles to operate effectively.⁷⁸

Second, advocates contend that gender apartheid captures a form of structural domination not fully reflected in existing international crimes.⁷⁹ While the crime against humanity of gender persecution addresses severe discriminatory deprivation of fundamental rights, it does not fully capture the institutionalised and enduring nature of systems designed to maintain gender-based domination. Recognising gender apartheid would allow individual acts of persecution to be understood as components of a broader regime of oppression.⁸⁰

Finally, proponents emphasise the expressive and symbolic significance of recognising gender apartheid as an international crime which 'carries appropriate stigma' and which may exert normative pressure on states and other actors to avoid legitimising or sustaining such systems. Codification could also help mobilise international attention and signal global solidarity with women and girls who experience, and seek to challenge, such forms of systematic domination.⁸¹

At the same time, some legal commentators have found that there is no significant 'gap' that needs to be filled by the codification of gender apartheid, as the existing crime of gender persecution already covers much of the conduct associated with gender apartheid.⁸²

ARTICLE 19's position

ARTICLE 19 supports proposals to explicitly codify the crime of gender apartheid in a future CAH Treaty, for the following reasons.

Codification of gender apartheid could strengthen accountability for freedom of expression violations

As a freedom of expression organisation, we believe such codification could strengthen accountability by capturing the systematic and institutionalised violations of the right to freedom of expression that frequently underpin regimes of gender domination. The dynamics closely mirror those discussed earlier in relation to gender persecution: measures that silence women through legal prohibitions, social constraints, and technological surveillance, with the aim of erasing women from public life and limiting their cultural expression. Such measures are an indispensable tool for perpetuating institutionalised systems of gender-based oppression.

Indeed, widespread violations of freedom of expression form a defining feature of regimes that have been described as meeting the threshold of gender apartheid. As noted earlier, there are three core elements of the crime of apartheid: (1) inhumane acts; (2) intent to maintain domination by one racial group over another; and (3) a context of systematic oppression by one racial group over another.

The Apartheid Convention and the Rome Statute recognise that inhumane acts include the suppression of fundamental rights. Notably, Article II(c) of the Apartheid Convention establishes that the crime of apartheid includes:

*any legislative and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country [...] by denying to members of a racial group or groups [...] the right to freedom of opinion and expression.*⁸³

Article II(d) adds the ‘persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid’.⁸⁴ The Rome Statute, for its part, establishes that apartheid includes inhumane acts of a character similar to crimes⁸⁵ such as murder, enslavement, torture, rape, or persecution.⁸⁶

Accordingly, under both the Apartheid Convention and the Rome Statute, measures that deprive individuals or organisations of their freedom of expression, where such deprivation is intended to maintain racial domination by one group over another in a context of systematic oppression, may constitute acts of apartheid.

Practices can be seen today in countries such as Afghanistan, Iran, Saudi Arabia, and Yemen, where governments have established systems that systematically deprive women of fundamental rights, including the right to freedom of expression. As noted earlier, human rights bodies, intragovernmental institutions, and women’s rights activists increasingly characterise these conditions as meeting the legal definition of apartheid.⁸⁷

Gender apartheid and gender persecution are distinct and complementary

ARTICLE 19 does not dispute that identical prohibited acts may give rise to charges of both gender persecution and gender apartheid as crimes against humanity, and that perpetrators of gender apartheid could also be prosecuted for gender persecution.⁸⁸ Our own analysis, drawing in particular on situations such as Afghanistan and Iran, reflects this overlap, as many of the practices identified could amount to both persecution and apartheid. What is more, the additional contextual element of the crime of apartheid, namely the existence of an institutionalised regime of systematic oppression and domination which perpetrators seek to maintain, arguably imposes a higher threshold than persecution, making accountability for this crime even harder to achieve.⁸⁹

We also welcome the decision of Pre-Trial Chamber II of the ICC, which, in the context of the situation in Afghanistan, issued arrest warrants for the Taliban’s Supreme Leader and Chief Justice on the basis that there are reasonable grounds to believe they committed the crime against humanity of persecution. There is certainly scope within charges of gender persecution to reflect the institutionalised nature of the human rights violations and oppression at issue. For example, the ICC Prosecutor’s request for arrest warrants in the Afghanistan situation highlights the systematic and planned assault on women’s rights as foundational to the Taliban’s effort to impose and enforce

their view of the role of women in Afghan society, and the severe chilling effect this has created within a coercive environment in which, for many victims, ‘there was no real choice but to comply’.⁹⁰

At the same time, we agree with the former Special Rapporteur in the field of cultural rights, Karima Bennouna, that ‘[t]he vital concepts of gender apartheid and gender persecution are distinct and complementary’.⁹¹ The proposition that there remains a clear distinction between the crime of gender persecution and apartheid is supported by the fact that, under the Rome Statute, the crime of apartheid is codified separately and is distinct from the crime of racial persecution.⁹²

More specifically, the crime of gender persecution may be committed in the absence of an institutionalised regime of systematic oppression and domination, and without the specific intent to maintain the regime of systemic discrimination and oppression. We therefore agree with civil society organisations and scholars who have noted⁹³ that persecution alone does not fully reflect the scope and structure of gender apartheid. Codification of gender apartheid would assist in recognising and responding to the totality of crimes committed in such systems ‘[where] each deprivation systematically informs and interacts with others, creating a mutually reinforcing architecture of oppression’.⁹⁴

The importance of establishing state responsibility for gender apartheid

Within a system of gender apartheid, the state’s failure to protect, respect, and fulfil women’s rights is not incidental. Instead, discrimination and exclusion lie at the very core of the entire system of governance and the manner in which the system assigns roles to groups based on gender, reshaping the social fabric.⁹⁵ The draft CAH Treaty not only requires states to take steps to prevent and punish crimes against humanity perpetrated by individuals but also ‘not to engage in acts that constitute [such crimes]’.⁹⁶ Codifying gender apartheid in the future CAH Treaty would not only establish individual criminal responsibility but also ensure that the primary duty-bearer under international human rights law – the state – may be held accountable for maintaining a system where rights violations against women and girls are its defining feature.

Codification of gender apartheid can help mobilise global attention and solidarity with women and girls under these systems of oppression

Finally, ARTICLE 19 believes that codifying the crime of gender apartheid should also be supported both as a matter of principle⁹⁷ and as a challenge to the normalisation of extreme forms of discrimination and violence against women and girls. As Shaharзад Akbar, former Chairperson of the Afghan Independent Human Rights Commission, asks: ‘If the same restrictions [imposed in Afghanistan] were applied to men, or on the basis of race, what would we do?’⁹⁸

As a freedom of expression organisation, ARTICLE 19 thus joins a broad international movement calling for the recognition of gender apartheid precisely because naming this crime under international law can help mobilise global attention and solidarity with women and girls who are resisting systematic oppression and exclusion. Recognition would signal that the international community stands with those on the frontlines of the struggle for gender justice and affirm that the voices of women and girls must be heard and protected.

Endnotes

- 1 [Rome Statute of the International Criminal Court](#) (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90.
- 2 International Law Commission, [Draft Articles on Prevention and Punishment of Crimes Against Humanity](#), 71st Session, 2019.
- 3 The principle of universal jurisdiction enables states to exercise their jurisdiction, without requirements such as territoriality, nationality, or other links to the prosecuting country, for crimes that are considered to be of extreme gravity and concern the international community. See Nollkaemper, A. (2011) 'Universality', in *Max Planck Encyclopedia of Public International Law*, Oxford Public International Law.
- 4 International Criminal Court, Office of the Prosecutor (2022) [Policy on the Crime of Gender Persecution](#), 7 December, p. 4 ('Policy on Gender Persecution').
- 5 This approach is already being explored in practice. See, for example, a criminal complaint recently filed in Argentina by a group of Iranian women, targeting Iranian officials for alleged crimes against humanity, including gender persecution, in connection with the severe repression of the 'Women, Life, Freedom' protest movement. The complaint was brought under the principle of universal jurisdiction. See Atlantic Council (2025) [Q&A: Criminal Complaint Filed in Argentina over Crimes Against Humanity Committed by the Islamic Republic of Iran](#), 18 December.
- 6 See *Prosecutor v. Ntaganda*, Trial Judgment, ICC-01/04-02/06, 8 July 2019, para 993.
- 7 International Law Commission, [Draft Articles on Prevention and Punishment of Crimes Against Humanity](#), 71st Session, 2019.
- 8 Notably, the first conviction before the International Criminal Court for gender persecution, in the *Abd-Al-Rahman* case (Darfur situation), did not concern the targeting of women and girls. Instead, the conviction for gender persecution was based on the targeting of 'Fur men of fighting age based on the perception that they were affiliated with the rebels, and the fact that they were Fur, thus discriminated them based on their political affiliation, ethnic identity and perceived gender role.' See *Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Trial Judgment, ICC-02/05-01/20, 6 October 2025, para 936.
- 9 [Rome Statute of the International Criminal Court](#) (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90.

- 10 International Law Commission, *Draft conclusions on identification and legal consequences of peremptory norms of general international law (jus cogens), with commentaries*, [UN Doc. A/77/10](#) (2022).
- 11 For a 2011 survey, see Amnesty International (2011) [Universal jurisdiction – a preliminary survey of legislation around the world](#), p. 13.
- 12 See Article 7 of the Rome Statute.
- 13 See, for example, *Prosecutor v. Kupreškić et al.*, Judgment, IT-95-16-T, 14 January 2000, para 618: ‘There must be clearly defined limits on the types of acts which qualify as persecution. Although the realm of human rights is dynamic and expansive, not every denial of a human right may constitute a crime against humanity.’ See also *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Trial Judgment, ICC-01/12-01/18, 26 June 2024, paras 1203–1205.
- 14 See for a comprehensive analysis, Tan, Y. (2021) *The Rome Statute as Evidence of Customary International Law*, International Criminal Law Series, vol 16, Boston: Brill Nijhoff.
- 15 The jurisdictional requirements include subject-matter jurisdiction, as well as temporal and personal or territorial jurisdiction.
- 16 Article 7(2)(g) of the Rome Statute.
- 17 ‘Any crime within the jurisdiction of the Court’ includes the crimes of genocide, other crimes against humanity, war crimes, and the crime of aggression.
- 18 Article 7(1) of the Rome Statute.
- 19 See *Situation in the Republic of Burundi*, Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Burundi, ICC-01/17-X, 25 October 2017, fn. 331.
- 20 Policy on Gender Persecution, para 37. See also UN General Assembly, [International Covenant on Civil and Political Rights](#), United Nations, Treaty Series, vol. 999, p. 171, 16 December 1966.
- 21 Policy on Gender Persecution, fn. 48.
- 22 See *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, para 1202.
- 23 See *Prosecutor v. Ntaganda*, para 991. See also Article 21(3) of the Rome Statute, according to which the Statute must be applied and interpreted consistent with internationally recognised human rights, without any adverse distinction.
- 24 Strayer, A. L. (2019) ‘Protecting Rights “in Small Places”: Why Depriving Girls of the Right to Education Is Gender-Based Persecution and a Crime against Humanity’, *Georgetown Journal of International Law*, 50, 4: 966.

- 25 See *Prosecutor v. Ntaganda*, fn. 2815, with reference to the ‘many exceptions and limitations which may legally justify an act and its consequences, as set out under the framework of both international human rights and [international humanitarian law]’.
- 26 For more detail on the requirements under Article 19(3) of the ICCPR, see UN Human Rights Committee (2011) General Comment No. 34, Article 19: Freedoms of Opinion and Expression, [CCPR/C/GC/34](#), paras 21–36.
- 27 *Prosecutor v. Kupreškić et al.*, paras 619–621. The drafters of the Rome Statute intentionally set a high threshold for the crime of persecution by including elements such as the ‘intentional and severe deprivation of fundamental rights’ and the requirement that persecutory acts be connected to other crimes within the jurisdiction of the ICC. This was intended to avoid an interpretation that would treat any discriminatory practice as persecution, thereby turning the ICC ‘from a criminal into a human rights court’. See Oosterveld, V. (2006) ‘Gender, Persecution, and the International Criminal Court: Refugee Law’s Relevance to the Crime Against Humanity of Gender-Based Persecution’, *Duke Journal of Comparative & International Law*, 17, 49–90, p. 57.
- 28 *Prosecutor v. Ntaganda*, para 992.
- 29 See *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, para 1205.
- 30 See, for a detailed account, Amnesty International & International Commission of Jurists (2023) [Afghanistan: The Taliban’s war on women: The crime against humanity of gender persecution in Afghanistan](#), 25 May, p. 1.
- 31 Annie Kelly and Zahra Joya for Rukhshana Media (2024) [‘Frightening’ Taliban law bans women from speaking in public](#), *The Guardian*, 26 August; Associated Press (2024) [The Taliban publish vice laws that ban women’s voices and bare faces in public](#), *AP News*, 23 August.
- 32 See UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, [A/HRC/53/21](#), 15 June 2023, para 17.
- 33 [A/HRC/56/25](#), para 15.
- 34 See Center for Human Rights in Iran (2014) [Gender Segregation Violates the Rights of Women in Iran](#), 3 September; Reuters (2007) [Iran has ‘modern plans’ for beach segregation](#), 9 August.
- 35 Amnesty International (2014) *Iran: Silenced, expelled, imprisoned: Repression of students and academics in Iran*, 2 June; Human Rights Watch (2012) [Iran: Ensure Equal Access to Higher Education](#), 22 September.

- 36 Amnesty International (2013) [Iran's ban on female presidential candidates contradicts Constitution](#), 17 May. UN Human Rights Council, Detailed findings of the independent international fact-finding mission on the Islamic Republic of Iran, [A/HRC/55/CRP.1](#), 19 March 2024, para 164.
- 37 A/HRC/55/CRP.1, para 316.
- 38 Policy on Gender Persecution, p. 4.
- 39 *Prosecutor v. Kordić and Čerkez*, Judgment, IT-95-14/2-T, 26 February 2001, para 199.
- 40 General Comment No. 34, para 2.
- 41 General Comment No. 34, para 4.
- 42 ICC, Office of the Prosecutor (2025) [Policy on Cyber-Enabled Crimes under the Rome Statute](#), 3 December, para 78 ('Policy on Cyber-Enabled Crimes').
- 43 UN Human Rights Council, Report of the independent international fact-finding mission on the Islamic Republic of Iran, [A/HRC/58/63](#), 14 March 2025, para 18.
- 44 Permanent Mission of Liechtenstein to the United Nations (2021) [The Council of Advisers' Report on the Application of the Rome Statute of the International Criminal Court to Cyberwarfare](#), p. 67.
- 45 See *Prosecutor v. Kaing Guek Eav (Duch)*, Appeal Judgment, Case 001, 3 February 2012, para 272. See, along the same lines, *Prosecutor v. Naletilić and Martinović*, Judgment, IT-98-34-T, 31 March 2003, para 636.
- 46 *Prosecution's application under article 58 for a warrant of arrest against Haibatullah Akhundzada (public redacted version)*, ICC-02/17, 23 January 2025, para 104.
- 47 A/HRC/55/CRP.1, paras 419–422.
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- 49 See also Policy on Cyber-Enabled Crimes, paras 22 and 64.
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- 52 UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Afghanistan, [A/HRC/56/25](#), 13 May 2024, para 41.
- 53 Human Rights Watch (2026) [Critical Juncture for Proposed Crimes Against Humanity Treaty](#), 16 January.
- 54 Article 10 of the draft CAH Treaty.
- 55 The principle of universal jurisdiction enables states to exercise their jurisdiction without requirements such as territoriality, nationality, or other links to the prosecuting country, for crimes that are considered to be of extreme gravity and concern the international community. See Nollkaemper, A. (2011) '[Universality](#)', in R. Wolfrum (ed) *Max Planck Encyclopedia of Public International Law*, Oxford Public International Law.
- 56 Article 15(2) of the draft CAH Treaty.
- 57 UN General Assembly, [Convention on the Prevention and Punishment of the Crime of Genocide](#), United Nations Treaty Series, vol. 78, p. 277, 9 December 1948, Article IX.
- 58 UN General Assembly, [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), United Nations Treaty Series, vol. 1465, p. 85, 10 December 1984, Article 30.
- 59 Human Rights Watch (2025) [UN: Momentum Builds for Crimes Against Humanity Treaty](#), 27 October.
- 60 Draft articles on Prevention and Punishment of Crimes Against Humanity.
- 61 See Articles 2(1)(h) and 2(2)(g) of the draft CAH Treaty.
- 62 See Sadat, L. N. (2025) [Attacks on Nature, Atrocities Against People: The Case for Environmental Harm as a 12th Crime Against Humanity](#), *Just Security*, 10 October.
- 63 See Neff, Z., Morna, J., Aubert, V. and Bertrand, Z. (2025) [Justice for Children in a Future Crimes Against Humanity Treaty](#), *Just Security*, 19 May.
- 64 See Radhakrishnan, A., Alag, A., van Groll, P. and Grey, R. (2023) [Strengthening Reproductive Autonomy in the Draft Crimes Against Humanity Treaty](#), *Just Security*, 22 November.
- 65 [International Convention on the Suppression and Punishment of the Crime of Apartheid](#) (adopted 30 November 1973, entered into force 18 July 1976) 1015 UNTS 243 (the Apartheid Convention).

- 66 Barr, H. (2025) [Gender Apartheid as an International Crime: Taliban Oppression in Afghanistan Triggers Campaign](#), Georgetown Journal of International Affairs, 2 September; Hunter, D. L. (1999) [Gender Apartheid Under Afghanistan's Taliban](#), Berkeleyan, 17 March (citing the late Afghan human rights defender Sima Wali).
- 67 United Nations (2023) [The Secretary-General's remarks to the Security Council on the Promotion and Strengthening of the Rule of Law in the Maintenance of International Peace and Security: The Rule of Law Among Nations](#), 12 January.
- 68 A/HRC/56/25, para 89. See also Human Rights Council, Draft articles on prevention and punishment of crimes against humanity – Recommendations from the Working Group on discrimination against women and girls, [A/HRC/WG.11/40/1](#), 15 February 2024, para 34.
- 69 Hossain, A. (2012) [Women Only: Saudi Arabia Further Segregates Society](#), *FORBES*, 15 August (citing scholar Farzaneh Milani); Martel, C. (2018) [Misogynist Apartheid: Saudi Arabia's Original Human Rights Sin](#), *Just Security*, 13 November; see also Macdonald, A., Juratowitch, B., Sander, A. and Hart, N. (2023) [Advice to the International Service for Human Rights \(ISHR\) on a potential crime of gender apartheid](#), 6 March ('Advice to ISHR on gender apartheid'), para 1.
- 70 Office of the High Commissioner for Human Rights (OHCHR), Press Release (2023) [Iran's proposed hijab law could amount to 'gender apartheid': UN experts](#), 1 September.
- 71 UN Women (2023) [Report on the Expert Group Meeting on International Strategies and Tools to Address the Situation of Women and Girls in Afghanistan](#), p. 10 ('International Strategies and Tools').
- 72 Article 5(3)(h) of the Ljubljana–The Hague Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes Against Humanity, War Crimes and other International Crimes, adopted 26 May 2023, not yet in force.
- 73 The Apartheid Convention defines the crime in slightly different terms in its Article 2. It defines the crime of apartheid as 'inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them,' specifying that it shall 'include similar policies and practices of racial segregation and discrimination as practised in southern Africa'.
- 74 See, for example, Bennoune, K. (2022) 'The International Obligation to Counter Gender Apartheid in Afghanistan', *Columbia Human Rights Law Review*, 54(1): 24.
- 75 A/HRC/53/21, para 95. See also A/HRC/56/25, para 89.
- 76 End Gender Apartheid, Ashraph, S. and others (2023) [Amending the Crime Against Humanity of Apartheid to Recognize and Encompass Gender Apartheid](#), 5 October, para 42 ('End Gender Apartheid Brief').

- 77 See, for example, Bennoune; Barr; End Gender Apartheid Brief.
- 78 See Bennoune, pp. 26–27; A/HRC/WG.11/40/1, para 23. See also International Strategies and Tools, p. 3.
- 79 See A/HRC/56/25, para 90; End Gender Apartheid Brief, para 18.
- 80 A/HRC/WG.11/40/1, paras 14–17; Bennoune, pp. 55–56.
- 81 International Strategies and Tools, p. 10; Bennoune, pp. 58–59; A/HRC/56/25, paras 92–93.
- 82 See Advice to ISHR on gender apartheid, para 5.
- 83 Article II(c) of the Apartheid Convention.
- 84 Article II(f) of the Apartheid Convention.
- 85 Article 7(2)(h) of the Rome Statute.
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- 87 A/HRC/53/21, paras 95–96; International Strategies and Tools, p. 10; Soltan, A. (2025) '[Closing the Rome Statute's Gender Gap: Why Gender Apartheid Demands Codification](#)', *Cambridge International Law Journal*, 7 August.
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- 89 See End Gender Apartheid Brief, para 26.
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- 93 For example, Amnesty International (2024) '[Global: Gender apartheid must be recognized as a crime under international law](#)', 17 June; Nia, G. (2023) '[Gender apartheid is a horror. Now the United Nations can make it a crime against humanity](#)', *Atlantic Council*, 5 October; International Service for Human Rights (n.d.) '[Afghanistan: An ongoing and urgent call for accountability](#)'.
- 94 A/HRC/56/25, para 14.
- 95 See Bennoune, p. 26. See also A/HRC/WG.11/40/1, para 14.
- 96 Article 3(1) of the draft CAH Treaty.
- 97 See Advice to ISHR on gender apartheid, paras 115–116.
- 98 Shaharзад Akbar, as quoted in Bennoune, p. 4.



ARTICLE 19